

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 21, 1990

Mr. John C. Datt
American Farm Bureau Federation
600 Maryland Avenue S.W.
Suite 800
Washington, D.C. 20024

Dear Mr. Datt:

Thank you for your letter of May 15, 1990, in regard to the 40 CFR Part 259 regulations for medical waste management. Your letter outlined concerns about the impact of the medical waste regulations on the agricultural industry.

The Medical Waste Tracking Act (MWTa) required EPA to draft regulations for the tracking and management of medical wastes and to develop the list of medical wastes which were to be tracked. The MWTa also defined medical waste as "any solid waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals." This definition for medical waste was incorporated into the Standards for the Tracking and Management of Medical Wastes (40 CFR Part 259) which were published in the Federal Register on March 24, 1989. The Classes of regulated medical waste which are to be tracked can be found in Section 259.30(a).

As noted in Mr. Moore's letter of December 20, 1988, certain medical wastes generated during agricultural type activities would be subject to the Part 259 regulations. Specifically, those medical wastes generated during the treatment of animals, in research pertaining thereto, or in the production or testing of biologicals would be regulated if they are listed in Classes 1-7 in Section 259.30(a).

The MWTa statute did exclude hazardous wastes subject to the Subtitle C regulations and household wastes which are defined in 40 CFR Part 261.4(b) as "any material... derived from households (including single and multiple residence, hotels and motels, bunkhouse, ranger stations, crew quarters, campgrounds, picnic areas and day use recreation areas)". Regulated medical wastes generated during agricultural activities which are not hazardous (i.e., subject to the Subtitle C regulations) or generated in a household were not specifically excluded in the MWTa statute. Nor did EPA have a basis for providing a general exclusion for such waste in the regulations.

As you are aware, the Environmental Protection Agency (EPA) has developed and will continue to develop "Question and Answer" documents in relation to medical waste issues to help clarify the Part 259 regulations. The scenario described in Questions 23a pertains to the regulation of medical wastes generated during care of livestock on a farm (see attached Q & A document). This question deals with a situation where the "regulated medical waste" (i.e., sharps) is not akin to domestic waste and is not generated at a residence. As a result, the waste does not fall under the definition of "household waste" as defined in Section 261.4(b). The second situation, identified in Question 23b, indicates that medical wastes (i.e., sharps), generated in the home would be exempt from the requirements of the Part 259 regulations.

Therefore, those wastes generated during agricultural activities, which meet the definition of "regulated medical waste" as defined in Section 259.30(a) and are not otherwise excluded must be handled and managed in accordance with the Part 259 regulations.

If you have additional questions or have additional questions please contact Lisa Warren at 202-475-9324 or Mary Greene at 202-475-7736.

Sincerely,

Susan Bromm, Director
RCRA Enforcement Division

cc: Mary Greene
Austine Frawley
George Meyers

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